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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,728	09/08/2003	Donald J. Gagne	7175-74151	8915
164	7590	09/26/2006		
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			EXAMINER DEMILLE, DANTON D	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

NT

Office Action Summary	Application No.	Applicant(s)	
	10/657,728	GAGNE, DONALD J.	
	Examiner	Art Unit	
	Danton DeMille	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/16/5</u> , <u>1/26/4</u> , <u>1/23/4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by

Napiorkowski et al.

Napiorkowski teaches a grommet made out flexible rubber-like material (column 3, lines 13-15), that can be inserted in an aperture of any object to allow conduits (column 1, line 20) to enter or exit the device. Figures 12-13 show an embodiment in which the grommet as an elastic sheet with a first slot 90, 92 within the sheet dimensioned to form an airtight seal around an outer surface of a hose if a hose were inserted through the slot in a direction generally parallel to the sheet. Broadly, it would appear Napiorkowski teaches all of the claimed limitations that are positively recited.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Webb et al.

Webb teaches an elastic sheet 1 of rubber (line 22) forming a portion of a wall of a device. There is a first slot 4 that allows conduits to pass through the slot if inserted in a direction generally parallel to the sheet. The slot of Webb also includes first and second holes at the ends of the slots as shown in figure 3. It would appear that the holes would also include finger grips because fingertips could be placed on opposite sides of the hole to help pry the upper and lower portions of the sheet apart to insert the conduit. Regarding claim 4, it could also be said that the

device includes a plurality of slots between adjacent holes with adjacent holes including finger tip grips for prying the slot apart for inserting the conduit.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hasson et al.

Hasson teaches a foam or other sponge-like material 272, figure 21, column 11, lines 1-8, with good memory with a first slot within the sheet dimensioned to form an airtight seal around an outer surface of a hose if inserted through the slot in a direction generally parallel to the sheet. Since the bladder and hose are not part of the claimed combination it is not clear how much weight can be given some of the claim language however it would appear the sheet could be formed in a portion of a wall of an inflatable bladder.

Claim 38 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hansen et al.

Hansen teaches a means for supplying oscillating air pulses and means 60 for connecting the supply to a chest compression vest such that the air pulses travel in a direction generally parallel to the means for connecting. As clearly shown the air pulses travel in a direction generally parallel to the vest and the tubular connector 60.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Napiorkowski et al. in view of Hasson et al.**

Napiorkowski teaches in the embodiment of figures 12 and 13, “[h]owever, it will be understood by those skilled in the art that any of the embodiments of the present invention may be adapted such that the wires may be dropped into the grommet rather than inserted through one or more apertures in the central portion or section of the grommet” (column 5, lines 29- column 6, line 1). This would appear to teach that the other disclosed embodiments could be modified to include the slot shown in figure 13 so the conduit can be dropped into the grommet.

Napiorkowski also teaches that the slot could be used rather than inserted through one or more apertures in the central portion of the grommet. This would suggest that the central portion of the previous embodiments can also include one or more apertures. The previous embodiments include crease lines facilitating tearing upon the insertion of the conduit. The end results would be a grommet that includes a slit within the sheet of elastic material.

Hasson teaches a similar seal that includes holes at the ends of the slot in figure 21. It would have been obvious to one of ordinary skill in the art to modify Napiorkowski to include holes at the end of a slot as taught by Hasson to increase the flexibility of the slot.

Regarding claims 9-17, the specific dimensions or hardness rating of the elastic is well within the realm of the artisan of ordinary skill dependent on practical considerations of intended use. The claims appear to be drawn to a generic connector for connection between an inflatable bladder and a hose. No specific use is positively claimed and therefore these details do not appear to be critical to the device.

Claims 21-25, 35, 36, 37, 39, 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al. in view of Napiorkowski et al.

Hansen teaches a chest compression vest with a front panel, an air bladder on the inner surface of the front panel and a belt connected to the front panel for secure the vest. A connector 60 is taught for connecting the air bladder to a hose however the details of the connector are not provided. Napiorkowski teaches an elastic connector for allowing conduits to pass therethrough. It would have been obvious to one of ordinary skill in the art to modify Hansen to use a connector as taught by Napiorkowski to allow the conduit to pass therethrough as taught by Napiorkowski as a means sealingly connect the conduit to the bladder.

Regarding claim 22, Napiorkowski shows the slot can comprise a plurality of slots.

Regarding claim 23, the vest can lay flat and therefore is efficient for storage.

Regarding claims 39, 41, 42, with the elastic grommet of Napiorkowski in the connector 60 of Hansen the act of inserting the hose within the opening would stretch the slot within the elastic sheet when the hose is inserted through the slot in a direction generally parallel to the sheet of the bladder.

Claims 27-32, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 21 above, and further in view of Hasson et al.

Hasson teaches the slit can comprise a plurality of holes at the ends of the slit. It would have been obvious to one of ordinary skill in the art to further modify Hansen to use a plurality of holes in the slits as taught by Hasson to allow more flexibility to the slot.

Allowable Subject Matter

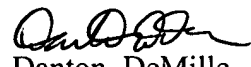
Claims 26, 33, 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson, can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15 September 2006


Danton DeMille
Primary Examiner
Art Unit 3764